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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,427	08/08/2001	Michael Howard	MS1-909US	6390
22801	7590	12/01/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			TESLOVICH, TAMARA	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,427	Applicant(s) HOWARD ET AL.	
	Examiner Tamara Teslovich	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08.15.05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the Applicant's Remarks and Amendments filed August 15, 2005.

Claims 1-36 are pending and herein considered.

Response to Arguments

Applicant's arguments filed August 15, 2005 have been fully considered but they are not persuasive.

In response to the Applicant's assertion that claims 1-10 are directed to statutory subject matter, the examiner would like to point out lines 10-24 on page 2 of the previous office action, specifically:

"whether the claim is directed merely to a method that is not tied to a technological art, environment, or machine which would result in a practical application **producing a concrete, useful, and tangible result** to form the basis of statutory subject matter under 35 U.S.C. 101"

The Applicant's claims 1-10 fail to produce a tangible result even after the Applicant's amendments to those claims.

In response to the Applicant's arguments concerning Nerurkar's failure to teach a "computer-implemented method", the Examiner would like to first point out that the author is an associate at the Software Concept Laboratory at Infosys Technologies Limited, which is in and of itself, sufficient to suggest that the concept disclosed in the paper is in fact to be used in software, which is "computer-implemented". In addition, the title of the magazine the article appeared in is "Dr.Dobbs' Software Tools for the Professional Programmer", once again, suggesting that the method disclosed would be

programmed into software by a professional programmer. Thirdly, the Examiner would like to point to the first paragraph of Nerurkar's article which states the purpose of the article – "the need to include security as one of the concerns in the functional analysis and **design of the software** itself". Such a phrase suggests that the author's intentions were to include the method disclosed within software.

In order to better understand the extent of the Applicant's computer implementation, the Examiner referred back to the Applicant's Specification, specifically the second and third full paragraphs on page 10 wherein the Applicant describes how his 'application developer' "drafts a model to select and interconnect the model components" and then "selects those threats significant to each model component" and "after identifying the potential security threats decides whether to counter the identified threats". From these paragraphs, it is clear to the Examiner that the Applicant's "computer-implemented method" is not entirely computer implemented, and in fact relies upon an application developer. The Examiner would like to mention once again Nerurkar's job at a software lab, where one could properly refer to her as an application developer.

In response to the Applicant's arguments regarding claim 2 and Nerurkar's failure to disclose wherein "the model components comprise a module, a port, a store, or a wire", the Examiner respectfully disagrees and draws the Applicant's attention to Figure 2 on page 54. Within Nerurkar's "Partial Onion Peel Module", Nerurkar interconnects her series of modules (object sets) and ports (i.e. File transfers, TCP/IP, FTP) with a series of wires (lines) defining a communication route, and depicted by lines. It is clear

from this diagram, that Nerurkar's Partial Onion Peel Module utilizes the ports, modules, wires, and modules taught by the Applicant.

In response to the Applicant's arguments regarding claim 3 and Nerurkar's failure to disclose wherein the "potential security threats comprise **at least one subset of** authentication, authorization, auditing, privacy, integrity, availability, and non-repudiation" the Examiner would like to respectfully disagree. The Examiner would like to draw the Applicant's attention to the phrase "at least one subset of", which would suggest that a disclosure of **any** subset of authentication, authorization, auditing, privacy, integrity, availability, and non-repudiation would satisfy the limitation of claim 3. The Examiner would now like to draw the Applicant's attention to page 56 of Nerurkar, specifically column 1 paragraph 3, wherein the potential security threats comprise at least one subset of authentication (IA), authorization (AZ), auditing (OO), privacy, integrity (OO), and availability.

In response to the Applicant's arguments regarding claim 5 and Nerurkar's failure to disclose wherein the "selecting a particular component of the model components" and "responsive to selecting the particular component, displaying each other component of the model components that comprise at least a subset of similar potential security threats as a particular component" the Examiner respectfully disagrees. The Applicant cites paragraph 3 on page 52 wherein Nerurkar describes how the "onion is now partitioned into peels based on the similarity in the nature and criticality of the security concerns of the components". The Examiner would like to encourage the Applicant to read on further to where Nerurkar teaches how these peels are created to be used later

in the analysis portion, so that one might focus on a particular component and others with similar or related security concerns (paragraph 3). Nerurkar also goes on to illustrate wherein her 'web interface of the application', one of her particular components, is placed in an internet user interface peel, where the concerns are those of controlling access, restricting sensitive data modification, and so on. All components with those same security concerns are then placed in the peel alongside the web interface of the application component, displaying the other components with similar potential security threats as that component.

In response to the Applicant's arguments regarding claim 6 and Nerurkar's failure to disclose "selecting a particular component of the model components" and "responsive to selecting the particular component, displaying each other component of the model component that comprises a particular security threat similar to a security threat already addressed with respect to the particular component" the Examiner respectfully disagrees. Once again, the Examiner would like to encourage the Applicant to read page 52 paragraph 2 through page 54 paragraph 4 wherein Nerurkar teaches how these peels are created to be used later in the analysis portion, so that one might focus on a particular component and others with similar or related security concerns (page 52 par 3). Nerurkar also goes on to illustrate wherein her 'web interface of the application', one of her particular components, is placed in an internet user interface peel, where the concerns are those of controlling access, restricting sensitive data modification, and so on. All components with those same security concerns are then placed in the peel alongside the web interface of the application component, displaying the other

components with similar potential security threats as that component (page 52 par 4). Within the peels, the objects are selected with similar security concerns, such as her example concerning authentication servers and their associated databases and key management services, all concerned with authentication (page 54 par 4). Such a model of analysis is also recursively applied to ensure security and deal with objects added, deleted, and changed (page 54 par 4).

In response to Applicant's arguments concerning independent claims 11 and 21, paralleling those for claim 1, the Examiner respectfully disagrees for the same reasons as disclosed above in regards to claim 1.

In response to Applicant's arguments concerning dependent claims 12-20, and 22-30, the Examiner respectfully disagrees for the same reasons as disclosed above in regards to claims 2-10 above.

In response to Applicant's arguments concerning independent claim 31, paralleling those for claim 1, the Examiner respectfully disagrees for the same reasons as disclosed above in regards to claim 1. In response to Applicant's use of the means-plus-function form paragraph, the Examiner would like to point out that that Applicant fails to explain what structure, material, or act Nerurkar fails to teach, and it is the Examiner's contention that Nerurkar fully discloses all the limitations of claim 31, for the same reasons as Nerurkar fully discloses all the limitations of claim 1.

In response to Applicant's arguments concerning claims 32-33, the Examiner respectfully disagrees for the same reasons as disclosed above in regards to claims 2-3 above.

In view of the arguments previous, Examiner respectfully disagrees with the Applicant's argument that Nerurkar fails to disclose claim 1 in its entirety, and maintains the 35 U.S.C. 102(a) rejections corresponding to claims 1-10 as provided in the previous office action.

For substantially the same reasons as given with respect to claims 1-10, the Examiner maintains the 35 U.S.C. 102(a) rejections corresponding to claims 11-20, 21-30, and 31-36 as provided in the previous office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2137


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. Teslovich
November 22, 2005



MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137